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LETTER DATED 12 AUGUST 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In the period since the informal consultations of the Security Council on 6 August 1998, I have undertaken a review of the implications for the Commission's activities of the recent decisions of the Government of Iraq contained in its communication to the Council dated 5 August 1998 (see S/1998/718). The purpose of the present letter is to share with you and, through you, members of the Council the main conclusions of that review. The guidance of the Council is also sought.

In its communication to the Council of 5 August, Iraq indicated that it was suspending its cooperation with the Special Commission and the International Atomic Energy Agency (IAEA), and that in the interim, pending Council agreement to its demands, only monitoring activities would be allowed to continue.

The two distinct types of inspection activities in Iraq (disarmament and monitoring) are carried out at sites both declared by Iraq and/or designated by the Commission. The disarmament inspections are designed to deal with proscribed activities. Monitoring is designed to ensure that proscribed activities are not resumed.

Iraq's actions bring to a halt all of the disarmament activities of the Commission and place limitations on the rights of the Commission to conduct its monitoring operations, as called for by the Security Council under resolutions 687 (1991) and 715 (1991) and the Commission's monitoring plan approved by the latter.

Iraq's position that all disarmament activities must cease has forced the Commission to suspend, throughout Iraq, all such work as it requires the cooperation of Iraq. This includes discussions at the political and technical level aimed at resolving outstanding issues. A number of inspections planned in the chemical, biological and missile fields will be delayed pending resolution of the current situation. These discussions and inspections were aimed at bringing to closure outstanding disarmament issues which need to be resolved if the Commission is to be in a position to report that Iraq is in compliance with its disarmament obligations, as established by the Security Council.

The Commission's monitoring activities have been also restricted by Iraq. In the light of the restrictions imposed by Iraq's authorities, monitoring activities are limited to sites previously declared by Iraq or designated by the Commission for monitoring. This denies the rights of the Commission to inspect additional, non-declared sites, where the capabilities for conducting proscribed or monitorable activities may exist. Such conditions significantly reduce the effectiveness of monitoring.

Under these circumstances, the Commission cannot continue to provide the Security Council with the same level of assurances of Iraq's compliance with its obligations to not re-establish its proscribed weapons programmes. In this regard, the Commission fully shares the conclusions communicated to the Council by the Director General of IAEA in his letter dated 11 August 1998 addressed to you (S/1998/766, annex).

(Signed) Richard BUTLER